

Mr. Keith M. Schreiner, Associate Director—Federal Assistance, Fish and Wildlife Service, U.S. Department of the Interior, Washington, D.C. 20240, 202-343-4646.

SUPPLEMENTARY INFORMATION:
BACKGROUND

Historically, the woundfin was known from much of the Colorado River system downstream from the Grand Canyon in northern Arizona. It inhabits silty streams with moderate to swift current. The woundfin has been extirpated throughout most of its native range, and is now known only from the Virgin River system in southern Nevada, northwestern Arizona and southwestern Utah.

The survival and recovery of this species depends upon the maintenance of suitable, undisturbed habitat in the Virgin River system. The Service recognizes that areas containing such streams may qualify for recognition as Critical Habitat as referred to in Section 7 of the Endangered Species Act of 1973. A notice of intent to determine Critical Habitat for the woundfin was published by the Service in the FEDERAL REGISTER OF MAY 16, 1975 (40 FR 21499-21500). The Albuquerque Regional Office (Region 2) of the Fish and Wildlife Service forwarded the Recovery Team report recommending that the Virgin River be designated as Critical Habitat for the woundfin. Additional Service contract reports from the Denver Regional Office (Region 6) also support the proposed Critical Habitat.

After evaluating this recommendation and supporting data, a decision was made to proceed with the proposed rulemaking. The areas delineated below are inhabited by a woundfin and contain the species' only known habitat and breeding sites. If more populations are discovered in the future, additional areas may be proposed for Critical Habitat designation.

EFFECT OF THE RULEMAKING

The effects of this determination are involved primarily with Section 7 of the Act, which states:

The Secretary shall review other programs administered by him and utilize such programs in furtherance of the purposes of this Act. All other Federal departments and agencies shall, in consultation with and with the assistance of the Secretary, utilize their authorities in furtherance of the purposes of this Act by carrying out programs for the conservation of endangered species and threatened species listed pursuant to section 4 of this Act and by taking such action necessary to insure that actions authorized, funded, or carried out by them do not jeopardize the continued existence of such endangered species and threatened species or result in the destruction or modification of habitat of such species which is determined by the Secretary, after consultation as appropriate with the affected States, to be critical.

An interpretation of the term Critical Habitat was published by the Fish and Wildlife Service and the National Marine Fisheries Service in the FEDERAL REGISTER OF APRIL 22, 1975 (40 FR 17764-17765).

[4310-55]

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[50 CFR Part 17]

**ENDANGERED AND THREATENED
WILDLIFE AND PLANTS**

**Proposed Determination of Critical Habitat
for the Woundfin**

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Proposed rule.

SUMMARY: The Service issues this proposed rulemaking which would determine the Critical Habitat of the Endangered woundfin (*Plagopterus argentissimus*). This action is being taken because of the threatened modification of its remaining habitat. Destruction of habitat in the past has been and is presently a major factor which jeopardizes the continued existence of this species. The area proposed is in the Virgin River system in Nevada, Arizona, and Utah. This proposal would provide for Federal protection of the only remaining habitat of the woundfin.

DATES: Comments from the public must be received by January 3, 1978. Comments from the Governors of States involved with this action must be received by February 1, 1978.

ADDRESSES: Submit comments to Director (OES), U.S. Fish and Wildlife Service, Department of the Interior, Washington, D.C. 20240.

Comments and materials received will be available for public inspection during normal business hours at the Service's Office of Endangered Species, Suite 1100, 1612 K Street, N.W., Washington, D.C. 20240.

FOR FURTHER INFORMATION CONTACT:

Some of the major points of that interpretation are: (1) Critical Habitat could be the entire habitat of a species, or any portion thereof, if any constituent element is necessary to the normal needs of survival of that species; (2) actions by a Federal agency affecting Critical Habitat of a species would not conform with Section 7 if such actions might be expected to result in a reduction in the numbers or distribution of that species of sufficient magnitude to place the species in further jeopardy, or restrict the potential and reasonable recovery of that species; and (3) there may be many kinds of actions which can be carried out within the Critical Habitat of a species which would not be expected to adversely affect that species. In addition, it should be noted that the prohibitions of Section 7 apply only to Federal agencies.

A Critical Habitat designation is based solely on biological factors and serves only to officially notify Federal agencies that their responsibilities under Section 7 of the Act are applicable in a certain area. The impact of specific Federal actions on listed species should be dealt with after Critical Habitat has been designated, as they are not relevant to the biological basis of Critical Habitat determination. The Service, in cooperation with other Federal agencies, has drafted guidelines which establish a consultation and assistance process for evaluating the possible effects of actions on the Critical Habitat of listed species involved. Proposed regulations for Interagency Cooperation were published on January 26, 1977, in the FEDERAL REGISTER (42 FR 4868-4875) which will assist Federal agencies in complying with Section 7 of the Act when published in final form.

PUBLIC COMMENTS SOLICITED

The Director intends that the rules finally adopted be as accurate as possible

in delineating the Critical Habitat of the woundfin. The Director, therefore, desires to obtain the comments and suggestions of the public, other concerned governmental agencies, the scientific community, or any other interested party on these proposed rules.

Final promulgation of Critical Habitat regulations will take into consideration the comments received by the Director. Such comments and any additional information received may lead the Director to adopt final regulations that differ from this proposal.

An environmental assessment has been prepared in conjunction with this proposal. It is on file in the Service's Office of Endangered Species, 1612 K Street, NW., Washington, D.C. 20240, and may be examined during regular business hours or may be obtained by mail. A determination will be made at the time of final rulemaking as to whether this is a major Federal action which would significantly affect the quality of the human environment within the meaning of Section 102(2)(C) of the National Environmental Policy Act of 1969.

The primary author of this document is Dr. James D. Williams, Office of Endangered Species, Washington, D.C. 20240, 202-343-7814.

REGULATION PROMULGATION

Accordingly, the Service proposes to amend § 17.95(e) by adding Critical Habitat of the woundfin after that of the slender chub as follows:

§ 17.95 Critical habitat—fish and wildlife.

(e) *Fishes.*

WOUNDFIN (*Plagopterus argentissimus*)

Nevada. Clark County. Main channel of Virgin River from the backwaters of Lake

Mead upstream to the Nevada-Arizona State line.

Arizona. Mohave County. Main channel of Virgin River from the Nevada-Arizona State line to the Arizona-Utah State line.

Utah. Washington County. Main channel of Virgin River from the Arizona-Utah State line upstream to Utah Highway 15 crossing north of Hurricane, Utah. La Verkin Creek from its junction with the Virgin River upstream through Section 31, Township 40 South, Range 12 West.



CRITICAL HABITAT FOR THE WOUNDFIN

NOTE.—The Department of the Interior has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11949 and OMB Circular A-107.

Dated: October 25, 1977.

LYNN A. GREENWALT,
Director, Fish and
Wildlife Service.

[FR Doc.77-31705 Filed 11-1-77; 8:45 am]

[4310-55]

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[50 CFR Part 17]

TEN SPECIES OF REPTILES

Status Review

AGENCY: Fish and Wildlife Service,
Interior.ACTION: Review of the status of ten
(10) species of reptiles.

SUMMARY: The Service is reviewing the status of ten (10) species of reptiles to determine whether they should be proposed as Endangered or Threatened species. There is sufficient evidence that overcollection and habitat destruction may be contributing to the decline of these species to warrant a review of their status. This review will provide additional information upon which a determination can be made.

DATE: Information regarding the status of these species should be submitted on or before February 1, 1978.

ADDRESS: Comments and information should be submitted to the Director (OES), U.S. Fish and Wildlife Service, Department of the Interior, Washington, D.C. 20240.

FOR FURTHER INFORMATION CONTACT:

Mr. Keith M. Schreiner, Associate Director—Federal Assistance, Fish and Wildlife Service, U.S. Department of the Interior, Washington, D.C. 20240; phone: 202-343-4646.

SUPPLEMENTARY INFORMATION:
The species of reptiles for which this notice of review is issued are as follows:

Scientific name	Common name	Where found
<i>Amphisbaena bakeri</i>	Baker's legless lizard.....	Puerto Rico.
<i>Aulacopanax leptosoma</i>	Pandanus skink.....	Pacific Trust Territories.
<i>Lampropeltis getulus splendida</i>	Desert kingsnake.....	Arizona, New Mexico, Texas, Oklahoma.
<i>Lampropeltis mexicana alterna</i>	Gray-banded kingsnake.....	Texas.
<i>Phrynosoma m'calli</i>	Flat-tailed horned lizard.....	California.
<i>Pituophis melanoleucus lodingi</i>	Black pine snake.....	Louisiana, Mississippi, Alabama.
<i>Pituophis melanoleucus ruthveni</i>	Louisiana pine snake.....	Louisiana, Texas.
<i>Stilosoma extenuatum</i>	Short-tailed snake.....	Florida.
<i>Tantilla colitica</i>	Miami crowned snake.....	Do.
<i>Uma inornata</i>	Coachella Valley fringe-toed lizard.....	California.

The Service is seeking the views on the status of these reptiles from the Governors of Alabama, Arizona, California, Florida, Guam, Louisiana, Mississippi, New Mexico, Oklahoma, Puerto Rico, and Texas, as well as the Acting High Commissioner of the Pacific Trust Territories. Other interested parties are hereby invited to submit any factual information, including publication and written reports, which is germane to this status review. The Service is especially interested in receiving information concerning the collection and trade

in these species and the destruction of their habitat.

The primary author of this document is Dr. C. Kenneth Dodd, Jr., Office of Endangered Species.

NOTE.—The Service has determined that this document does not contain a major action requiring preparation of an Economic Impact Statement under Executive Order 11949 and OMB Circular A-107.

Dated: October 27, 1977.

LYNN A. GREENWALT,
Director, Fish and Wildlife Service.
[FR Doc. 77-31704 Filed 11-2-77; 8:45 am]